

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2555 of 2019

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Sachindra Kumar Son of late Lakshmi Singh Resident of Village- Bhusaula,
Danapur, P.S. Phulwari Sharif, Distt. Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary and Commissioner, Land Reforms and Revenue Deptt.
Govt. of Bihar, Patna
3. Collector-cum-District Magistrate, Patna
4. District Land Acquisition Officer, Patna
5. Union of India, through D.R.M. East Central Railways Ministry of Railways,
Hajipur
6. Chief Engineer, Construction East Central Railway Hajipur
7. Dy. Chief Engineer, Construction II East Central Railway, Danapur Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajatshatru
For the State	:	Mr.Subash Chandra Yadav, GP-15
		Mr. Sanghmitra Ghosh, AC to GP 15
For respondent 5 to 7		Mr. A. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-02-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction to pay the amount of award no.68, passed in L.A. Case No. 04 of 2007-08, in a land acquisition proceeding.

In the opening paragraph of the writ application, it has been stated that the respondents have taken possession of the land on 25.07.2007 without paying any amount of compensation/award. The description of the land has been given as Plot No. 1541, Khata No.442 admeasuring 03 decimals in village Bhusaula Danapur, Phulwarisharif, Patna.



It is the case of the petitioner that he is entitled for compensation in accordance with the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred to as 'the Act').

Learned counsel(s), appearing on behalf of the State of Bihar and the Railways, have argued that the petitioner has not taken any definite stand in the writ application for grant of relief, which he is seeking. On the one hand, he claims that the respondents have taken possession over the land in question and on the other hand, he has stated in his representation before the District Land Acquisition Officer (Annexure-12) that he is in possession over the said land, which is evidently incorrect.

It has also been pointed out by the learned counsel for the respondents that the award has been prepared against the acquisition of the land in question in favour of the petitioner's brother Rajdeo Singh, who is not raising any grievance.

In any view of the matter, Section 64 of the Act, provides a forum for redressal of the grievance of the nature, which the petitioner has attempted to raise in the present writ application.



The petitioner shall be at liberty to file his application before the competent authority under Section 64 of the Act, which shall be dealt with in accordance with law, keeping in mind the limitation provision also.

The writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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